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REMARKS

1. Claims Amendments.

Claims 1-5 have not been amended.

Claim 6 has been amended to improve the readability of the claim.

Claim 7 has not been amended.

Claim 8 has been amended to delete the word "preferably".

Claim 9 has not been amended.

Claim 10 has been amended to incorporate the subject matter of Claim 12.

Claim 11 has not been amended.

Claim 12 has been cancelled and its subject matter incorporated into Claim 10.

Claim 13 has been amended. Support for this amendment can be found on page 6, line 11 of the Specification.

Claim 14 ahs not been amended.

Claim 15 has been amended to over the objection under 35 USC 112. The subject matter deleted from Claim 15 is now in new Claim 24.

Claims 16-23 have not been amended.

Claim 24 has been added to recapture the subject matter deleted from Claim 15.

No new matter has been added in any of the amendments to the Claims.

2. Rejections Under 35 CFR 102.

A. Grunewald '835 does not anticipate Claims 10-12.

Claims 10-11[1] have been rejected under 35 USC 102 as being anticipated by DE 101 19 835 to Grunewald (Grunewald '835). A translated copy of relevant parts of Grunewald '835 is provided with this Response for the examiner's convenience. Applicant traverses this rejection.

Anticipation under 35 USC 102(b) requires "the disclosure in a prior art reference each and every element of the claimed invention." *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 USPQ2d 1081 (Fed. Cir. 1986); *see also verdegall Bros. V. Union Oil Co.*

[1] Applicant has combined Claim 12 with Claim 10 and has canceled Claim 10.

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of California, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference"). The absence of one element from the cited prior reference negates anticipation. *See Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 224 USPQ2d 409 (Fed Cir. 1984).

Grunewald '835 does not anticipate Claims 10-11 because Grunewald '835 fails to disclose a device in which the pivotal axis (16) is directly assigned to the pivoting drive (21, 22, 23, 24) and runs perpendicularly through the longitudinal mix axis (17). Specifically, in the spin dryer of Grunewald '835, the pivoting drive is not directly mounted on an axial stub at one end of the pivotal axis. The spin dryer in Grunewald '835 has a pivotal axis (16) running vertically through the longitudinal center axis and the drum (18) can be pivoted about the pivotal axis (16). To this end, a toothed wheel (21) is arranged on a shaft forming the pivotal axis (16), with the toothed wheel engaging with a small toothed wheel (22). The small toothed wheel (22) is connected by a gear mechanism (23) and is driven by a motor (24). *See, e.g.*, Grunewald ¶0021.

As the drum (11) can be pivoted about a pivot axis (39) running perpendicularly through the longitudinal mid-axis (17) and the pivoting drive (16) is mounted directly at one end of the pivot axis (39), Grunewald '835 cannot and does not anticipate Claims 10-11. As such, as Grunewald '835 does not disclose each and every element of the claimed invention, Applicant requests that the examiner withdraw the rejection to Claims 10-11 based on Grunewald '835.

B. The rejection to Claim 13 based on Hastings '222 is now moot.

Claim 13 has been rejected under 35 USC 102 as being anticipated by US Patent No. 4,236,222 to Hastings (Hastings '222). In view of Applicant's claim amendments, the rejection to Claim 13 based on Hastings '222 is now moot.

Specifically, Hastings '222 does not disclose a spin dryer in which the cylindrical surface area (20) has a grid of orifices such that the area of all the orifices amounts to between 20% and 30% of the cylindrical surface area (20) of the drum (11). On the contrary, the cylindrical surface the dryer in Hasting '222 would cover almost 100% of

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the drum. *See* Hastings, col. 3, lines 15-22 (the mesh structure makes up almost all of the drum).

As such, as Hastings '222 does not disclose each and every element of the claimed invention, Applicant requests that the examiner withdraw the rejection to Claim 13 based on Hastings '222.

3. Rejections Under 35 USC 103.

A. Grantham '865 and Ross '841 do not obviate Claims 1-9.

Claims 1-9 have been rejected under 35 USC 103 as being obvious over Grantham '865 and Ross '841. Applicant traverses this rejection.

For a claim to be determined obvious (or nonobvious) under 35 USC 103, the claimed material must have been obvious to person of ordinary skill in the art from the prior art. An obviousness determination requires examining (1) the scope of the *prior art*, (2) the *level of skill* in the art, and (3) the *differences* between the prior art and Applicant's invention. *Litton Systems, Inc. v. Honeywell, Inc.*, 117 SCt 1270 (1970). A mere suggestion to further experiment with disclosed principles would not render obvious an invention based on those principles. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 19 USPQ2d 1432 (Fed. Cir. 1991). In fact, an applicant may use a reference as his basis for further experimentation and to create his invention. *Id.* To sustain a rejection under 35 USC 103, the examiner must establish a *prima facie* case of obviousness. MPEP §2142. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143.

The fact that each element in a claimed invention is old or unpatentable does not determine the nonobviousness of the claimed invention as a whole. *See Custom Accessories, Inc., v. Jeffrey-Allan Industries*, 1 USPQ2d 1196 1986 (Fed. Cir. 1986). The prior art must not be given an overly broad reading, but should be read in the context of the patent specifications and *as intended by reference authors. Durling v. Spectrum Furniture Co.*, 40 USPQ2d 1788 (Fed Cir 1996) (Federal Circuit held that district court erred by giving a "too broad an interpretation" of claims in a sofa patent to invalidate another on the nonobviousness standard).

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The Federal Circuit has made it clear that the nonobviousness standard is applied wrongly if a court or an examiner: (1) improperly focuses on "a combination of old elements" rather than the invention as a whole; (2) ignores objective evidence of nonobviousness; (3) pays lip service to the presumption of validity; and (4) fails to make sufficient *Graham* findings. *Custom Accessories, Inc.*, 1 USPQ2d 1196 (Fed. Cir. 1986). Applying the nonobviousness test counter to these principles counters the principle that a patent application is presumed nonobvious. *Id.*

The combination of Grantham '865 and Ross '841 fails to teach Claims 1-9 because this combination fails to teach a method in which the drum (11) is driven at a circumferential speed such that a centrifugal acceleration which is higher than 600 times gravitational acceleration acts on the laundry. As claimed, the invention relates to the hydroextraction (physical extraction) of water from the laundry by spinning the drum at a centrifugal acceleration which is higher than 600 times gravitational acceleration, and not a laundry dryer.

In contrast, Grantham '865 discloses a traditional laundry dryer and Ross '841 teaches a compact household-sized spin dryer. Both of these dryers are common household dryers that do not and would not produce a centrifugal acceleration which is higher than 600 times gravitational acceleration – these are dryers and not hydroextraction devices. If a centrifugal spinner (14) of the type in Ross '841 or Grantham '841 were operated at 3,500 rpm (as disclosed), the centrifugal force would be substantially less than 600 times gravitation acceleration. *See, e.g,* Ross '841 Col. 5, lines 46-51.

Without Applicant invention steps, one of ordinary skill in the art would not be taught that laundry can be hydroextracted using a centrifugal force would be substantially less than 600 times gravitation acceleration. As such, Applicant submits that Claims 1-9 are not obvious over Grantham '841 and Ross '841, and Applicant requests that the examiner withdraw the rejection to Claims 1-9 based on Grantham '841 and Ross '841.

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B. The Rejection to Claims 14-16 based on Hasting '222 is now moot.

In view of Applicant's amendments to Claim 13, the examiner's rejection of Claims 14-16 is moot. Specifically, Claims 14-16 would be allowable after Claim 13 is allowed.

C. Hastings '222 and Erickson '037do not obviate Claims 17-23.

Claims 17-23 have been rejected under 35 USC 103 as being obvious over Hastings '222 and Erickson '037. Applicant traverses this rejection.

The combination of Hastings '222 and Erickson '037 fails to teach Claims 17-23 because this combination fails to a spin dryer with a plinth (14) designed at least partially as a storage tank for liquid removed from the laundry. Both Hastings '222 and Erickson '037 relate to laundry dryers rather than spin dryers. As noted by the examiner, the dryer in Hastings '222 lacks a plinth and the dryer in Erickson '037 also fails to have plinth within the meaning of Applicant invention. As Applicant's invention as claimed in Claims 17-23 and the dryers in the cited patents operate under different principles (hydroextraction vs. laundry dryer), the plinth cannot be simply construed as a "drain sump" found Erickson '037. In fact, such a plinth would be completely unnecessary in the dryers dislcosed in Hastings '222 or Erickson '037, as the water is steamed off and NOT extracted as a liquid, as there is no, or little, water to be collected.

Accordingly, the combination of Hastings '222 and Erickson '037 teaches away from Applicant's invention as claimed in Claims 17-23. As such, Applicant requests that the examiner withdraw the rejection to Claims 17-23 based on Hastings '222 and Erickson '037.

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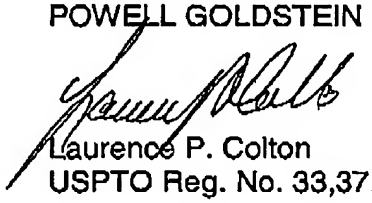
CONCLUSION

Applicants submit that the patent application is in condition for examination and allowance and respectfully request such actions. If the examiner has any questions that can be answered by telephone, please contact the patent attorney of record at the address and telephone number listed below.

Respectfully submitted,
POWELL GOLDSTEIN LLPC



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